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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Chris Udo Maeding

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EXAMINER

NGUYEN, ANDREW H

ART UNIT

PAPER NUMBER

3741

NOTIFICATION DATE

DELIVERY MODE

08/05/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/579,201</p>	<p>Applicant(s) MAEDING, CHRIS UDO</p>	
	<p>Examiner ANDREW NGUYEN</p>	<p>Art Unit 3741</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 12-34.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3741

Continuation of 3. NOTE: The amendments to claims and the new claims require further search and consideration.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments were unpersuasive.

Regarding Gradon: Claim 14- Applicant argues that the swirler space does not have a tapering area in which the bores are located. Examiner asserts that the swirler space may comprise a space including passages 46, 47, 62, and 60 (since the claim does not define the "space"). The passage 47 is smaller than the passage 46 (i.e. it is tapered). Claims 19 and 25: Applicant argues that the liquid exiting the bores 64 is a portion of the liquid exiting the component feed bores 41 and thus, mixing cannot occur. Examiner disagrees. The liquid exiting the component feed bores 41 splits into a plurality of flows - one flow goes to the bores 41 and one flow goes to the exit 40. The two flows exit the fuel nozzle and mix. Thus, fluid exiting the bores 64 does indeed mix with fluid exiting from the component feed bores 41. The claim does not define where the two fluids are coming from or how the flowpaths are related other than fluid exiting one mixes with fluid exiting another. Claims 33 and 34: Applicant argues that "the Examiner is not free to designate either surface 55 or passages 27, which are elements of the burner 15, as a wall of the combustion chamber". Examiner disagrees. The burner is a part of the combustion chamber, just as the inlet, the casing, the liner, the igniter, and the outlet are parts of the combustion chamber. The burner comprises walls which define flow passages. Thus, the walls of the burner are also considered "walls of the combustion chamber" (a better limitation would be "a wall defining the combustion chamber").

Regarding Sturgess: Claim 22 - Examiner notes that Figure 2 was intended to be the embodiment of the rejection. Claim 28 - Examiner apologizes for the lack of arguments. However, the rejection of claim 28 cited a section of Sturgess that taught a film on the member 42. The member 42 is part of the burner apparatus which extends into the combustion chamber (see Fig 1). Thus, the film is formed in the combustion chamber. Furthermore, throughout prosecution, Examiner has consistently defined walls of the burner as being walls of the combustor (see Gradon and '413 rejections). Examiner believed that since the figures of Sturgess showed the member 42 (upon which a film is formed) inside the combustion chamber (see Fig 1), the teaching by Sturgess would be clear. Applicant further asserts that Sturgess does not teach a liquid film layer in the combustion chamber and directs attention to col 3 lines 40-46 which discusses airflow through passages 22 and 24. However, airflow through passage 22 and 24 and cooling of the body 12 are not relevant to the rejection. The rejection defines the member 42 as being within the combustion chamber (as shown in Fig 1) and Sturgess teaches forming a film on that surface (col 7 lines 1-4).

Regarding Hoke: Claim 25: Applicant argues that the bores 168 are identified by Hoke as air passages and not liquid. Examiner asserts that the claim requires the bores "arranged such that liquid jets exiting from the bores mix with liquid jets exiting from the component feed bores". This is an intended use statement. The apparatus must be capable of performing the intended use. Hokes is capable of performing the intended use because liquid is capable of being flowed through the bores 168. To overcome this, Applicant should define a liquid source in fluid communication with the bores.

Regarding Sturgess '413: Claim 28: Applicant argues that Sturgess 413 does not teach forming a liquid film layer in the combustion chamber. Examiner apologizes for the lack of arguments in the previous action. However, the rejection cited surface 18 as the filming surface. Figure 1 showed the surface 18 extending into the combustion chamber. Thus, the film is inside the combustion chamber. Applicant argues that "Examiner is not free to designate prefilming surface 18 as a combustion chamber" and "prefilming surface 18 cannot reasonably constitute the recited combustion chamber". Examiner asserts that the claim requires a film "in the combustion chamber", not "on the combustion chamber". The surface 18 is inside the combustion chamber, and it follows that the film is also in the combustion chamber. As stated above, the burner is considered a part of the combustion chamber. Thus, the walls of the burner are considered walls of the combustion chamber. Applicant should further define how the walls are arranged with respect to the injector or how the combustion chamber is defined by the wall.

The final rejection is proper because each and every claim limitation was addressed by a corresponding teaching in the prior art. Figures, reference numbers, and lines of text were clearly cited for each and every claim limitation. The rejections were not in error or improper and thus finality is maintained. Any new grounds of rejection were necessitated by the amendments to the claims.